

### **REMARKS**

This Application has been carefully reviewed in light of the Office Action mailed May 5, 2006. Claims 1-23 were pending in the Application. In the Office Action, Claims 1-23 were rejected. In order to advance and expedite the prosecution of the present Application, Applicant amends Claims 1, 2, 4, 11-13, 16 and 21, and Applicant cancels without prejudice or disclaimer Claims 6, 14 and 22. Thus, Claims 1-5, 7-13, 15-21 and 23 remain pending in the Application. Applicant respectfully requests reconsideration and favorable action in this case.

In the Office Action, the following actions were taken or matters were raised:

### **SECTION 103 REJECTIONS**

Claims 1-16 and 20-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,527,775 issued to Flowers (hereinafter "*Flowers*"). Claims 17-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Flowers* in view of U.S. Patent No. 2,812,921 issued to Leith (hereinafter "*Leith*"). Applicant has canceled without prejudice or disclaimer Claims 6, 14 and 22, rendering the rejection of Claims 6, 14 and 22 moot. Applicant respectfully traverses this rejection for remaining Claims 1-5, 7-13, 15-21 and 23.

Of the rejected claims, Claims 1, 11 and 16 are independent. Applicant respectfully submits that *Flowers* does not disclose, teach or suggest the limitations of amended independent Claim 1, 11 and 16. For example, independent Claim 1 recites "a counterweight assembly coupled to the housing and configured to automatically realign the line retriever from a non-vertical orientation to a vertical orientation relative to the enclosure" (emphasis added). Applicant respectfully submits that at least the above-referenced limitation of amended independent Claim 1 is not disclosed, taught or suggested in *Flowers*. In the Office Action, the Examiner appears to rely on the handle 48 of *Flowers* as being equivalent to a counterweight (Office Action, page 3). Applicant respectfully submits that the handle 48 of *Flowers* "which allows the tool to be manually grasped by an operator and rolled along wall 24" (*Flowers*, column 3, lines 15-18) (emphasis added) would appear to have no effect on the orientation of the

*Flowers* device and, thus, would not “automatically realign the line retriever from a non-vertical orientation to a vertical orientation relative to the enclosure” as recited by amended Claim 1. Therefore, for at least this reason, Applicant respectfully submits that amended Claim 1 is patentable over *Flowers*.

Independent Claim 11, as amended, recites “means for automatically realigning the line retriever from a non-vertical orientation to a vertical orientation relative to the enclosure” (emphasis added), and independent Claim 16, as amended, recites “the line retriever comprising a counterweight assembly configured to automatically realign the line retriever from a non-vertical orientation to a vertical orientation relative to the enclosure” (emphasis added). At least for the reasons discussed above in connection with independent Claim 1, Applicants respectfully submit that independent Claims 11 and 16 are also patentable over the *Flowers* reference.

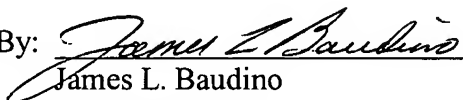
Claims 2-5, 7-10, 12, 13, 15, 17-21 and 23 depend respectively from independent Claims 1, 11 and 16. Claims 1, 11 and 16 are patentable over the applied *Flowers* reference and, therefore, Claims 2-5, 7-10, 12, 13, 15, 17-21 and 23 that depend respectively therefrom are also patentable. Moreover, at least with respect to Claims 17-19, *Leith* does not appear to remedy, nor did the Examiner rely on *Leith* to remedy, at least the deficiencies of the *Flowers* reference indicated above. Therefore, Applicant respectfully requests allowance of Claims 1-5, 7-13, 15-21 and 23.

**CONCLUSION**

Applicant has made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of all pending claims.

An RCE filing fee of \$395.00 is believed due. A check in the amount of \$395.00 is attached hereto to satisfy the RCE filing fee. If, however, Applicant has miscalculated the fee due with this RCE, the Director is hereby authorized to charge any fees or credit any overpayment associated with this RCE to Deposit Account No. 13-4900 of Munsch Hardt Kopf & Harr, P.C, referencing attorney docket No. 6325.4-1.

Respectfully submitted,

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